number likely will balloon further just as it did in New York once AT&T and WorldCom — the two biggest platform purchasers in New York, accounting for 90 percent of the more than one million platforms there[22] — decide to finally enter the mass market in Massachusetts.

As demand has increased, Verizon has continued to provide unbundled loops on time, when competitors ask for them. For example, from May through July 2000, Verizon completed 99.9 percent of platform orders, and almost 97 percent of new loop orders, on time. See id. ¶ 68; see also New York Order ¶ 283 (relying on comparable on-time loop performance). Verizon has not sacrificed quality in providing unbundled loops on time. For example, from May through July 2000, CLECs reported installation troubles within seven days on fewer than 1 percent of POTS loop orders. See Lacouture/Ruesterholz Decl. ¶ 70; see also New York Order ¶ 284 (relying on comparable loop-quality performance). Verizon also is providing maintenance and repair for loops on a nondiscriminatory basis. Indeed, with respect to most maintenance and repair performance measurements for unbundled loops — including those measuring the percentage of times that CLECs' customers file initial and repeat trouble reports — Verizon's performance for CLECs is comparable to its reported performance for its own retail operations. See Lacouture/Ruesterholz Decl. ¶ 71.

Of course, as the Commission recognized in its New York Order, this does not mean that all the various loop measures on their face will show perfect results. On the contrary, the reported measures can be affected by CLEC behavior or other factors that are not competitively significant. For example, in its New York Order, the Commission correctly recognized that installation intervals will differ to the extent competing carriers request longer intervals than

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[22] See Reinhardt Krause, Verizon's New York Fight Key To AT&T Challenge, Investors' Bus. Daily, Aug. 15, 2000, at A6.

those that are made available to them, order a different mix of products that includes more services with longer intervals, or order a proportionately larger share of their services in geographic areas of the State where intervals are longer. See New York Order ¶¶ 202-205. Under these circumstances, "the disparity . . . is not the result of discriminatory conduct, but rather is the result of factors outside of [Verizon's] control and unrelated to the timeliness and quality of [its] provisioning." Id. ¶ 202; see also id. ¶¶ 285-290.

This is precisely what is happening in Massachusetts to the extent there is an apparent disparity in loop installation intervals. Indeed, the missed installation appointment measure in Massachusetts, which the Commission described as "the most accurate indicator of [Verizon's] ability to provision unbundled loops," id. ¶ 288, shows that Verizon's on-time performance for CLECs is *better* than for its own retail customers. See Guerard/Canny Decl. ¶ 83; see also id. Att. E. As in New York, to the extent there is any meaningful disparity in the installation intervals for unbundled loops, it is attributable to the fact that CLECs are requesting longer intervals or are requesting a different mix of products that includes more services with longer intervals. See id. ¶¶ 66-75. Once these factors are accounted for, the comparative intervals for wholesale and retail orders are well within the range the Commission found to be acceptable in New York. See id.; New York Order ¶ 210. In short, as in New York, Verizon provides service on-time as requested by the CLECs.

Likewise, the maintenance and repair intervals for loops and other unbundled elements also are skewed by CLECs' own behavior. These measures track the interval from when Verizon receives a trouble report to when it completes the repair associated with that trouble report. See Guerard/Canny Decl. ¶¶ 100-102. As with installation intervals, the reported results for certain of the maintenance and repair measures depend on the intervals actually requested by

CLECs, as well as other factors that are not within Verizon's control. See id. ¶¶ 103-105. Collectively, these factors account for any meaningful difference between the reported wholesale and retail performance results.

For example, CLECs frequently choose not to schedule repair appointments at the earliest available date, even though they are offered the same repair intervals (including weekend appointments) as Verizon's retail customers. See Lacouture/Ruesterholz Decl. ¶¶ 73-75; Guerard/Canny Decl. ¶¶ 103-105. From May through July of this year, for instance, approximately half of the UNE POTS repair requests that CLECs made on a Friday requested a repair date of the following Monday rather than over the weekend, whereas approximately 90 percent of the Friday repair requests from Verizon's retail customers were for weekend appointments. See Lacouture/Ruesterholz Decl. ¶ 73.

In addition, CLECs frequently submit maintenance and repair requests that do not identify the trouble that they are experiencing with a loop, even though they are responsible for doing so. See id. ¶ 78. As a result, Verizon has no sure way to know where the trouble with the loop is occurring — for example, at the customer's premises, in the central office, or somewhere in between — and may, as a result, dispatch personnel to the wrong location, eating up valuable time in the race to fix the problem. See id. From May through July 2000, 59 percent of the maintenance requests were not properly isolated, and the loop was found to be okay or the problem was traced to customer premises equipment. See id. The problem has been compounded by the fact that Verizon technicians, in an effort to accommodate CLEC requests, frequently assigned expedited repair appointments for CLECs that are shorter than Verizon will assign for itself. See id. ¶ 76.

Just as Verizon's overall loop performance is strong, so too is its performance on the specific sub-categories of this checklist item on which competitors historically have focused their attention.

Hot Cuts. There can be no legitimate issue with respect to Verizon's hot-cut performance in Massachusetts. While Verizon uses the same systems and procedures to perform hot cuts in Massachusetts that it uses in New York, see id. ¶ 80, its performance in Massachusetts is substantially *better* than what the Commission found to satisfy the checklist in New York. See New York Order ¶ 291; see also AT&T Corp. v. FCC, 220 F.3d at 625-28 (upholding Commission's decision regarding Verizon's hot-cut performance).

By any standard, Verizon's hot-cut performance in Massachusetts is excellent. For example, from May through July 2000, Verizon completed more than 99 percent of its hot-cut orders on time and as requested. See Lacouture/Ruesterholz Decl. ¶ 83; see also New York Order ¶¶ 292-296 (finding 91- to 94-percent performance acceptable); Texas Order ¶ 264 (finding "a substantial percentage" acceptable). Moreover, this is nothing new. KPMG reviewed Verizon's hot-cut performance between October 1999 and January 2000 and found that 98 percent also were completed on time during that earlier period. See Lacouture/Ruesterholz Decl. ¶ 83 (citing KPMG Report at 198-99 (POP-6-2-6)).[23]

Verizon is also providing hot cuts at a very high level of quality. From May through July 2000, fewer than 1 percent of the hot cuts that Verizon performed resulted in installation trouble related to the actual hot-cut process. See id. ¶¶ 84, 89; see also New York Order ¶¶ 300-303 (describing similar levels of installation troubles as "extremely low"). Moreover, KPMG has confirmed that Verizon's technicians in Massachusetts adhere to the hot cut provisioning

[23] KPMG Consulting, Bell Atlantic OSS Evaluation Project: Final Report (Sept. 7, 2000) (App. I, Tab 1) ("KPMG Report").

procedures. See Lacouture/Ruesterholz Decl. ¶ 80 (citing KPMG Report at 216-17, 220-21 (POP-7-1-2-A&B; POP-7-1-3-A&B)); New York Order ¶¶ 304-307. And Verizon has implemented additional measures since the New York proceeding that further ensure that directory listings are not inadvertently dropped on hot-cut orders. See Lacouture/Ruesterholz Decl. ¶ 91; New York Order ¶ 355 (finding that Verizon already had "taken adequate measures to detect any dropped listings and restore them to the directory assistance database promptly").

Indeed, during the course of the Massachusetts proceeding, the CLECs that are using the vast majority of hot cuts did not complain about Verizon's performance. See Lacouture/Ruesterholz Decl. ¶ 87. Only AT&T, which accounts for less than 13 percent of the hot cuts, challenged Verizon's reported hot-cut performance. See id. And its claims proved to be just as bogus as its similar claims were in New York. In the course of a "reconciliation" undertaken by the Massachusetts DTE, AT&T initially claimed that it had "proof" that Verizon had mis-scored 36 hot-cut orders — all of which turned out to be from 1999. See id. Faced with scrutiny by the DTE, AT&T quickly halved its claim to only 18 orders, and ultimately provided support on only six of its claims. See id. The bottom line is a reduction of less than one percentage point in Verizon's hot-cut performance for AT&T, and an even smaller percentage reduction in Verizon's overall on-time percentage. See id. And there is no dispute for more recent periods. Since May 2000, Verizon has provided AT&T with weekly hot-cut performance reports showing that it has delivered 98.7 percent of AT&T's nearly 400 hot-cut orders in Massachusetts on time. See id. AT&T failed to challenge Verizon's performance on any of these orders. See id.

xDSL-Capable Loops. Verizon's performance on unbundled loops for use by competing carriers to provide DSL services is equally strong. Indeed, even Covad, the most outspoken

critic of Verizon's DSL-related performance historically, now readily concedes outside of regulatory forums that Verizon "has significantly improved their provisioning performance, and we are getting great results."[24]

At the time Verizon filed its New York application, competitors had just begun ordering loops to provide xDSL services. As a result, data were "not reported in accordance with a common set of definitions" because the New York Public Service Commission ("PSC") had not yet established performance measures specific to DSL loops. See New York Order ¶¶ 326-327. Now, in contrast, Verizon measures the timeliness of its DSL performance using measurements that were developed in collaborative proceedings with CLECs, and were adopted by both the New York PSC and the Massachusetts DTE. See Lacouture/Ruesterholz Decl. ¶ 94. And these measures show that Verizon's on-time performance for DSL loops is excellent.

First, Verizon provides DSL loops on time when competing carriers request them. See New York Order ¶ 335; see also Texas Order ¶¶ 286-288. Through July 2000, Verizon has provided more than 13,000 xDSL-capable loops to competing carriers in Massachusetts. See Lacouture/Ruesterholz Decl. ¶ 95. During June and July, Verizon's on-time performance for DSL loops met or exceeded 95 percent in each of the separate reporting categories included in Verizon's Performance Assurance Plan ("PAP") in Massachusetts. See id. ¶ 96.[25] These results are substantially *better* than the Commission previously has found will provide "an efficient

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[24] Transcript of Covad's 2000 First Quarter Earnings Release Conference Call at 29-40 (Apr. 18, 2000).

[25] While Verizon also tracks its on-time performance using a second measure, this latter measure does not exclude orders for which facilities were not available. See Lacouture/Ruesterholz Decl. ¶ 96. Rather than reject these "no facilities" orders, Verizon takes additional time to try to make facilities available. See id. ¶ 98. Because it makes no sense to count against Verizon efforts to provide CLECs with better service than is required, only the measure that excludes "no facilities" orders is included in the PAP. This measure provides a more accurate picture of Verizon's on-time performance. See id.

competitor a meaningful opportunity to compete." See New York Order ¶¶ 291, 296 (relying on on-time performance between 88 and 94 percent).

As with other unbundled elements, however, installation interval measures for DSL are less meaningful than the on-time (i.e., missed installation appointment) measure because they are affected by the CLECs' behavior. For example, one issue that is unique to DSL loops is that CLECs include loops that have not been pre-qualified in their mix of DSL orders. See Lacouture/Ruesterholz Decl. ¶ 100; Guerard/Canny Decl. ¶ 78. This issue is significant because, for loops that are not pre-qualified, an extra three days must be added to the interval that would otherwise apply. See Lacouture/Ruesterholz Decl. ¶ 100; Guerard/Canny Decl. ¶ 78. For example, if the standard interval for completing a particular loop order is six days, then three additional days would have to be added if the loop had not been pre-qualified. See Lacouture/Ruesterholz Decl. ¶ 100.

In Massachusetts, however, the loops that have not been pre-qualified are included in the data that go into the same interval measures as those that have. The result of this is that the intervals appear in one instance (the percentage of loops completed in six days) as though Verizon is providing better service to itself than it is to CLECs. See id. ¶¶ 100-101; Guerard/Canny Decl. ¶¶ 78-80. But this simply is not the case. When the different types of loops included in the measure are disaggregated, it is clear that, where the loop has been pre-qualified as it is supposed to be, Verizon has filled DSL loop orders at least as quickly as its own retail orders. See Lacouture/Ruesterholz Decl. ¶ 101; Guerard/Canny Decl. ¶ 80.

Once the CLECs' own behavior is taken into account, therefore, the intervals within which Verizon provides DSL loops to CLECs are comparable to the intervals within which Verizon provides its own retail DSL services. See Lacouture/Ruesterholz Decl. ¶ 101;

Guerard/Canny Decl. ¶¶ 79-80. This is all the more significant here because retail DSL orders are not a good analogue for unbundled DSL loops. On the contrary, unbundled DSL loops require a dispatch and are significantly more difficult to install than retail DSL services. See Lacouture/Ruesterholz Decl. ¶ 100. Consequently, the fact that performance is comparable for these two services means that CLECs actually receive service that is superior to what Verizon provides itself.

Second, Verizon is providing DSL loops that are at a level of quality "sufficiently high to permit competitors to compete meaningfully." New York Order ¶ 335; see also Texas Order ¶¶ 299-300 (same). As with loops generally, however, an evaluation of certain maintenance and repair measures, such as the interval and trouble reports within seven days (so-called "I-codes") measures, also have to take CLEC behavior into account. For example, one issue that has a disproportionate impact on DSL loops is that Verizon frequently cannot gain access to the premises of the customer to complete a repair. See Lacouture/Ruesterholz Decl. ¶ 106; New York Order ¶ 326 ("We do not believe it is appropriate to include legitimate 'no access' situations in a measure of missed appointments."). Obtaining access to a customer's premises is a particular problem with DSL loops because there often are three companies involved — Verizon, the CLEC, and the Internet service provider ("ISP") that buys service from the CLEC and that actually deals with the customer. See Lacouture/Ruesterholz Decl. ¶ 106. From April through July 2000, Verizon was unable to gain access to the customer's premises to complete a repair in connection with nearly 59 percent of CLECs' complex loop repair requests compared to only 3.4 percent of the maintenance requests from Verizon's own retail customers. See id.

Another issue that uniquely affects DSL loops is the apparent failure by some CLECs to perform properly or to heed the results of acceptance testing. For example, the vast majority

(more than 80 percent) of the "repair" requests that are submitted on DSL loops either are traced to problems that should have been revealed during acceptance testing, or are closed with no trouble found. See id. ¶¶ 104-105. In the case of one major CLEC, 56 percent of repair requests were resolved with no trouble found, and 90 percent of the remainder were outside facilities issues that a properly performed acceptance test by the CLEC would have disclosed. See id. ¶ 105. The fact that CLECs are submitting these trouble reports within short periods after the loops are installed — and after they provide a serial number accepting the loops as working — suggests that CLECs are accepting loops that are not capable of supporting the services they wish to provide and then submitting "repair" orders in an effort to force Verizon to rebuild or replace the loop. See id. ¶ 103. Verizon has presented this issue to the New York collaborative, and the major CLEC involved has agreed to work collaboratively to prevent these types of repair requests in the future. See id. ¶ 105.

Third, Verizon provides competing carriers with "nondiscriminatory access to OSS pre-ordering functions associated with determining whether a loop is capable of supporting xDSL advanced technologies." New York Order ¶ 140; see also Texas Order ¶ 165. As in New York, Verizon provides CLECs with access to the same loop-qualification database that Verizon's retail personnel use to qualify an end user customer's line for DSL service. See Lacouture/Ruesterholz Decl. ¶ 108. Since the New York proceeding, Verizon has enhanced this database further to provide CLECs with additional information as to why loops they have requested do not qualify for DSL service. See id.; see also UNE Remand Order ¶ 426. As of July 2000, Verizon had completed the loop-qualification inventory necessary to include in the database 93 percent of its central offices with collocation arrangements in place in Massachusetts. See Lacouture/Ruesterholz Decl. ¶ 108. For those few loops not yet included in

the database, Verizon also will perform a manual loop qualification, and, if a CLEC wants still further information about a loop, it will perform an engineering query on request. See id. ¶¶ 109-110. And, for loops that are not qualified, Verizon will provide loop "conditioning" services under the terms of a standardized offering, including the removal of bridge taps or load coils. See id. ¶ 107.

Finally, Verizon is in the process of moving its retail DSL business in Massachusetts into a separate affiliate, and will complete this process by the end of this year. See id. ¶¶ 111-112. Specifically, Verizon will provide its retail DSL services in Massachusetts through the same separate affiliate that provides retail DSL services in New York. See id. This separate affiliate will provide further assurance that Verizon will continue to provide nondiscriminatory service to CLECs in the future. See id. ¶ 111; New York Order ¶¶ 330-331 ("[W]e have further assurance that competing carriers in New York will have nondiscriminatory access to xDSL-capable loops in the future as a result of [Verizon's] commitment to establish a separate affiliate through which it will offer retail advanced services."); see also Texas Order ¶¶ 307-318 (discussing SBC's separate advanced services affiliate).

Line Sharing. Since the time of its New York Order, the Commission adopted a new requirement — typically referred to as line sharing — to provide unbundled access to the "high frequency portion of the loop." See Line Sharing Order ¶ 13;[26] 47 C.F.R. § 51.319(h). Line sharing enables a competing carrier to provide high-speed data service over the same loop on which a customer receives basic local voice service from Verizon. Verizon has complied with this new requirement in Massachusetts, and stands ready to fill CLECs' line-sharing orders.

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[26] Deployment of Wireline Services Offering Advanced Telecommunications Capability, Third Report and Order in CC Docket No. 98-147, Fourth Report and Order in CC Docket No. 96-98, 14 FCC Rcd 20912 (1999) ("Line Sharing Order").

In response to the Commission's Line Sharing Order, Verizon has devoted an enormous amount of resources to successfully implementing line sharing, and has done so with input from competing carriers. For example, Verizon has actively participated in collaborative proceedings conducted under the auspices of the New York PSC. See Lacouture/Ruesterholz Decl. ¶ 115. As part of these collaboratives, Verizon met on a weekly basis with CLECs and the New York PSC's staff to identify and resolve the technical and operational issues associated with the implementation of line sharing. See id. In addition, Verizon conducted a line-sharing "pilot," and invited all interested CLECs to participate. See id. ¶ 116. Although only three chose to participate, Verizon provisioned all of their test orders successfully and obtained useful information to aid its implementation of line sharing. See id.

Based on the collaborative proceedings and line-sharing pilot, Verizon deployed methods and procedures for providing line sharing that it has adopted for Massachusetts, and any further agreements reached in the continuing collaborative sessions in New York will be implemented in Massachusetts as well. See id. ¶¶ 115-117. Verizon also has developed standard contract amendments covering line sharing. Through August, Verizon has entered into line-sharing agreements with nine CLECs in Massachusetts, and has also amended its tariffs to include line sharing. See id. ¶¶ 113-114. The Massachusetts DTE is currently reviewing this tariff.

Under the terms of its agreements and tariffs, Verizon provides CLECs with their choice of two kinds of line-sharing arrangements.[27] In one, the CLEC installs, owns, and maintains a splitter in its own collocation arrangement. See id. ¶ 118. In the other, a splitter owned by the

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[27] Based on the New York collaborative proceedings, Verizon has also developed means by which CLECs can test their circuits in a line-sharing arrangement. See Lacouture/Ruesterholz Decl. ¶ 119. Verizon has also developed procedures for handling interruptions that may occur to a customer's voice service when line sharing on their line is implemented. See id. ¶ 120.

CLEC is located in Verizon's central office space, and installed by either the CLEC or an approved vendor. See id. Regardless of which of these options they choose, CLECs may submit line-sharing orders electronically using either the Web-GUI or the application-to-application EDI interface discussed in the OSS section below. See id. ¶ 129.

Verizon also has taken the steps necessary to ensure that it can timely provision significant commercial volumes of line-sharing orders in the future. See id. ¶¶ 131-132. For example, it has established two wholesale centers exclusively devoted to provisioning orders for line-sharing and unbundled xDSL loops, one of which is located in Boston. See id. ¶ 131. Since March 2000, Verizon has more than doubled the number of service representatives in its Boston center (and will also add additional personnel as necessary). See id. ¶ 132. As a result, these centers have already handled up to 50,000 xDSL and line-sharing service requests in a single month. See id.

Moreover, Verizon has demonstrated through actual experience that it is capable of handling significant volumes of line-sharing orders. While it has received only a handful of line-sharing orders in Massachusetts, the systems, processes, and procedures for provisioning line-sharing orders are the same in Massachusetts as they are in New York, where Verizon has completed close to 7,000 line-sharing orders. See id. ¶ 114. While many of these orders were from Verizon's own separate data affiliate, they were submitted over the same interfaces using the same ordering processes as are used by the CLECs. See id. ¶¶ 111, 114. And, based on the consensus line-sharing measures developed in New York,[28] 100 percent of the 2,275 line-sharing orders completed in July (the first month the separate data affiliate submitted orders) were

[28] On August 25, 2000, the Carrier Working Group — which includes Verizon and CLECs participating in the collaborative — submitted a proposal for line-sharing performance measurements to the New York PSC, which is expected to review it at its October session. See Guerard/Canny Decl. ¶ 15.

completed on time for both CLECs and the separate data affiliate. See id. ¶ 136; Guerard/Canny Decl. Att. N.

2. Unbundled Local Transport (Including Interoffice Facilities).

Verizon offers competing carriers in Massachusetts access to local transport unbundled from switching, including both dedicated and shared transport, using the same checklist-compliant processes and procedures that it uses in New York. See Lacouture/Ruesterholz Decl. ¶ 159; New York Order ¶ 338.[29]

Through July 2000, Verizon has provided shared transport on each of the nearly 12,000 platforms that it has provided. See Lacouture/Ruesterholz Decl. ¶ 165. Moreover, because shared transport is provided as part of platforms, it has been delivered at the same time as the accompanying loops and unbundled switching. As discussed above, Verizon provides platforms on time 99 percent of the time, and the same is true of unbundled shared transport. See id. ¶ 68.

Verizon also has provided more than 1,200 dedicated local transport facilities to competing carriers. See id. ¶ 161. From May through July 2000, Verizon's on-time completion rate for dedicated transport was 97.3 percent on average, which is comparable to the on-time completion rate for Verizon's closest retail analogue. See id. ¶ 162.

3. Unbundled Switching.

Verizon offers CLECs in Massachusetts local and tandem switching unbundled from loops and other network components using the same processes and procedures that it uses in

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[29] Verizon provides both shared and dedicated transport under its tariffs and approved interconnection agreements. See Lacouture/Ruesterholz Decl. ¶ 159. This includes shared transport between Verizon's end office switches, between end office and tandem switches, and between tandem switches. See id. ¶¶ 160, 163. As described above, Verizon also provides unbundled dark fiber for interoffice transport where spare facilities are available. See id. ¶¶ 160, 167.

New York, and which the Commission found satisfy the checklist. See id. ¶ 145; New York Order ¶ 346.[30]

Verizon has provided nearly 12,000 unbundled local switching elements in Massachusetts, all of which were provided as part of platforms. See Lacouture/Ruesterholz Decl. ¶ 146. It also has provided unbundled tandem switching in connection with each of these platform orders. See id. ¶ 155. As with unbundled loops and transport for platforms, moreover, Verizon consistently provided unbundled switching on time. From May through July 2000, Verizon provided 99 percent of local switching elements by the due date. See id. ¶ 68. And Verizon meets the installation dates for platform (and therefore local switching) orders at least as often as it meets the dates for its own retail customers. See id.

As in New York, Verizon also provides customized routing (using line-class codes) so that CLECs can direct directory-assistance and operator-services traffic to their own platforms, to a third-party platform, or to Verizon's platform. See id. ¶ 149. Verizon also offers the same option that it does in New York of using a standardized local switching configuration that gives CLECs the same local call routing as Verizon itself, but with the option of branding their directory-assistance and operator-services traffic as they choose. See id. ¶ 151. Finally, as in New York, Verizon is capturing and providing usage data to CLECs that enable them to bill for exchange access. See id. ¶ 155.

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[30] Verizon makes unbundled switching available pursuant to legally binding interconnection agreements and tariffs. See Lacouture/Ruesterholz Decl. ¶ 145. Unbundled local switching is available as a line side or a trunk side port (shared and dedicated) and includes all of the vertical features available to Verizon's retail customers on a line-by-line basis. See id. In addition, Verizon provides CLECs with access to other features resident in its switches that Verizon does not offer its retail customers. See id. ¶ 150. Unbundled tandem switching consists of dedicated tandem trunk ports, shared tandem trunk ports and features, tandem usage, and group routings. See id. ¶ 145.

4. New UNE Requirements.

Since the time of the New York proceeding, the Commission also has adopted additional requirements with respect to dark fiber, subloops, and stand-alone access to network interface devices, or NIDs. See UNE Remand Order ¶¶ 167, 174, 205-207, 232-234; 47 C.F.R. § 51.319(a)(1) and (2). Verizon complies with each of these requirements. See Lacouture/Ruesterholz Decl. ¶¶ 137, 143, 167.

First, Verizon provides "dark fiber" — fiber that has not been activated through the connection of the electronics used to carry communications services — and has been doing so in Massachusetts since before the UNE Remand Order took effect. See id. ¶¶ 167-168.[31] As of July 2000, Verizon has completed a total of 185 orders for unbundled dark fiber in Massachusetts, all of which were unbundled dark-fiber transport. See id. ¶ 174.[32] These orders represent 1,170 miles of dark fiber. See id. Verizon also is providing dark fiber on time. For example, from May through July 2000, it completed 100 percent of the orders it received for dark fiber on time. See id. ¶ 175.

Second, Verizon provides competing carriers in Massachusetts with unbundled access to subloops. See id. ¶ 137.[33] This offering includes access to house-and-riser cable, and access to remote terminals either through collocation (where space is available) or by establishing a connection between Verizon's remote terminal and a CLEC's adjacent facilities. See id. ¶¶ 138-140; see also UNE Remand Order ¶ 205. No competitor has yet ordered subloop elements in

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[31] Verizon has amended 13 of its interconnection agreements to provide dark fiber, and in May 2000 filed a tariff to make dark fiber generally available. See Lacouture/Ruesterholz Decl. ¶ 167.

[32] Verizon also has adopted procedures to notify CLECs whether spare dark-fiber facilities are available to fulfill their request. See Lacouture/Ruesterholz Decl. ¶ 171.

[33] Verizon has entered into eight agreements to provide subloops, and in May 2000 filed a tariff to make subloops generally available. See Lacouture/Ruesterholz Decl. ¶ 137.

Massachusetts, but Verizon has provided one type of subloop in New York since before the UNE Remand Order. Specifically, Verizon has provided CLECs in New York with more than 1,500 house-and-riser cable pairs. See Lacouture/Ruesterholz Decl. ¶ 138.

Finally, Verizon provides CLECs with access to NIDs both as part of an unbundled loop and on a stand-alone basis to CLECs that deploy their own loop facilities. See id. ¶ 143; UNE Remand Order ¶¶ 233-235. Verizon permits competing carriers that deploy their own loop facilities to connect their loops directly to Verizon's NIDs, or to connect indirectly through their own adjacent NIDs. See Lacouture/Ruesterholz Decl. ¶¶ 143-144.

5. Combining Unbundled Network Elements.

Verizon provides both preassembled combinations of network elements and access to unbundled elements that allows competing carriers to assemble the elements themselves. See id. ¶ 176.

First, Verizon provides existing combinations of elements. See id. ¶¶ 180-185. As noted above, Verizon has provided competing carriers with nearly 12,000 complete preassembled platforms of network elements through July of this year. See id. ¶ 182. As in New York, Verizon also provides a "switch sub-platform" (local switching in combination with other shared network elements such as shared transport, shared tandem switching, and SS7 signaling). See id. ¶ 183. And Verizon provides loop and transport combinations in accordance with the Commission's rules and the rules of the Massachusetts DTE. See id. ¶184.

Second, Verizon offers CLECs essentially the same methods of access to combine unbundled network elements themselves as it provides in New York, see id. ¶¶ 176-179, and which the Commission found satisfy the checklist, see New York Order ¶ 231. For example, Verizon offers competing carriers a variety of forms of access that permit them to combine network elements, including physical, virtual, and various forms of cageless collocation. See

Lacouture/Ruesterholz Decl. ¶¶ 177-178; see also New York Order ¶ 232 (finding that Verizon "provides a variety of methods that allow competitive carriers to combine unbundled network elements with their own facilities").[34]

Verizon also provides CLECs with the ability to perform "line splitting" — that is, to permit a CLEC that supplies its own splitter to obtain "an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment and unbundled switching combined with shared transport." Texas Order ¶ 325; see Lacouture/Ruesterholz Decl. ¶¶ 185-186. And, of course, a CLEC may combine these elements with its own splitter using the alternatives that the Commission previously found satisfy the checklist. See Lacouture/Ruesterholz Decl. ¶ 186.

C. Poles, Ducts, Conduits, and Rights-of-Way (Checklist Item 3).

Verizon provides access to poles, ducts, conduit, and rights-of-way that it owns or controls in Massachusetts. See id. ¶ 187. Through July 2000, Verizon has provided more than one million pole attachments and more than 2.6 million feet of conduit in Massachusetts. See id.

Verizon provides access to poles, ducts, and conduits on a timely basis. For example, for requests that do not require project management, Verizon is committed to completing field surveys and responding to pole and conduit requests within 45 days, and does so more than 90 percent of the time. See id. ¶ 192. In the second quarter of 2000, Verizon was able to satisfy a competing carrier's request for poles and for conduits without make-ready work about 90 percent of the time. See id. ¶ 194. In these cases, Verizon provides access immediately upon issuance of a license. See id. In other cases, make-ready or construction work may be needed. From May

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[34] Verizon does not offer assembly rooms and assembly points in Massachusetts. See Lacouture/Ruesterholz Decl. ¶ 179. These arrangements were made available in New York before Verizon was required to provide preassembled combinations of network elements; however, only one CLEC in New York made use of this offering, and now that preassembled combinations of network elements are available, the CLEC has discontinued its usage. See id.

through July 2000, Verizon completed the make-ready work for CLECs and cable operators' pole attachments and conduit occupancy in approximately half the time that it performs such work for itself. See id. ¶ 201.

Moreover, Verizon has maintained this performance in the face of significantly increased demand (and will continue to add resources as needed to meet increases in demand). See id. ¶¶ 198-199. During the second quarter of 2000, Verizon licensed more than 5,000 pole attachments, a 60 percent increase compared to the same period in 1999. See id. ¶ 198. Likewise, Verizon licensed more than 170,000 feet of conduit in the first half of 2000, nearly three times as much as was licensed during the same period in 1999. See id. ¶ 199.

D. E911, Directory Assistance, and Operator Call-Completion Services (Checklist Item 7).

E911. Verizon provides competing carriers in Massachusetts with nondiscriminatory access to E911 services and databases under tariffs and approved interconnection agreements using the same processes and procedures that it uses in New York. See id. ¶ 203. No competitor even challenged Verizon's performance on this checklist item in New York, and the Commission found that Verizon satisfies the requirements of the Act. See New York Order ¶ 350. Through July 2000, CLECs with their own switches have obtained nearly 420,000 E911 subscriber listings in Massachusetts. See Lacouture/Ruesterholz Decl. ¶ 209.

As in New York, CLECs that have their own switches make their own entries in the E911 database using an electronic interface that gives them the same ability as Verizon to input information. See id. In addition, through July 2000, Verizon has provided more than 500 E911 trunks to 28 CLECs in order to establish connections to Verizon's E911 tandems. See id. ¶ 207. Verizon provides competing carriers with E911 trunks on a timely basis, within the same standard intervals as for interconnection trunks generally. See id.

Moreover, for a competing carrier without its own switch, Verizon will enter all the necessary E911 data for that carrier's customers in exactly the same way Verizon enters its own customer data. See id. ¶ 212. Verizon also commingles CLECs' E911 database entries with Verizon's own entries to ensure that they are maintained with the same accuracy and reliability that Verizon maintains for its own retail customers. See id. ¶¶ 213-215.

Directory Assistance. Verizon provides access to Directory Assistance services in Massachusetts in essentially the same way that it does in New York, see id. ¶ 216, and which the Commission found satisfies the checklist, see New York Order ¶ 354. Competing carriers have the option of purchasing Directory Assistance services from Verizon, or establishing their own Directory Assistance centers and using Verizon's or a third-party's Directory Assistance database. See Lacouture/Ruesterholz Decl. ¶ 216.[35]

As of July 2000, Verizon was providing Directory Assistance services to 18 CLECs in Massachusetts using 1,300 dedicated trunk facilities, and another 14 CLECs were purchasing Directory Assistance services using shared transport. See id. ¶ 219. Verizon provides trunks to competing carriers for Directory Assistance in the same manner and within the same intervals that it provides interconnection trunks generally. See id. Moreover, when CLECs purchase Verizon's Directory Assistance services, they have their choice of branding options,[36] and calls

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[35] For CLECs that establish their own Directory Assistance centers, Verizon provides nondiscriminatory access to its Directory Assistance listings. See Lacouture/Ruesterholz Decl. ¶ 220. Verizon allows CLECs to use Direct Access to Directory Assistance, a database service that provides for read-only access to Verizon's Directory Assistance listings by CLECs. See id. Verizon also makes the contents of its Directory Assistance database available to CLECs in an electronic format for their use in providing local Directory Assistance services. See id. ¶ 221.

[36] As in New York, Verizon permits CLECs that purchase Verizon's Directory Assistance services to order such services "unbranded," "rebranded," or with a Verizon brand. See Lacouture/Ruesterholz Decl. ¶ 224.

from CLEC customers are handled in a nondiscriminatory fashion and answered as quickly as calls from Verizon's own customers. See id. ¶¶ 224, 226.

Operator Services. Verizon likewise provides access to Operator Services in Massachusetts using the same processes and procedures that it uses in New York, and which the Commission found satisfy the checklist. See id. ¶ 227; see also New York Order ¶ 354. Competing carriers again have the option either to purchase Operator Services from Verizon or to rely on their own centers. See Lacouture/Ruesterholz Decl. ¶ 227.

As of July 2000, 16 competing carriers that have their own local switch were purchasing Operator Services from Verizon using more than 1,300 dedicated transport facilities. See id. ¶ 231. Another 14 CLECs were purchasing Operator Services using shared transport. See id. As with Directory Assistance, Verizon provides trunks to competing carriers that provide their own Operator Services in the same time and manner and in the same intervals as it provides interconnection trunks generally. See id.

Moreover, when CLECs purchase Verizon's Operator Services, they have their choice of branding options, and calls from CLEC customers are handled in a nondiscriminatory fashion and answered as quickly as calls from Verizon's own customers. See id. ¶¶ 233-234.

E. White Pages Directory Listings (Checklist Item 8).

Verizon provides access to its white pages directory listings in Massachusetts using the same processes and procedures as in New York. See id. ¶ 235.[37] The Commission found that, under these procedures, CLECs' listings "are nondiscriminatory in appearance and integration,

[37] Verizon provides white pages directory listings under interconnection agreements and tariffs. See Lacouture/Ruesterholz Decl. ¶ 236. Verizon commingles the listings of CLECs' customers alphabetically with Verizon's own customers, using the same type face and format and with no distinguishing features. See id. ¶ 237. Verizon enters CLECs' listings using the same procedures as for its own listings, see id. ¶ 240, and provides CLECs the ability to preview their directory listings before publication, see id. ¶ 247.

and have the same accuracy and reliability that [Verizon] provides for its own customers." New York Order ¶ 360 (footnote omitted). Through July 2000, Verizon has provided competing carriers in Massachusetts with more than 190,000 basic white pages directory listings, including approximately 122,000 for residential customers. See Lacouture/Ruesterholz Decl. ¶ 245. Moreover, as noted above, Verizon has implemented software changes to ensure that directory listings are not inadvertently dropped when a customer switches from Verizon to a competing carrier. See id. ¶¶ 250-251.

F. Number Administration (Checklist Item 9).

Verizon is no longer responsible for assigning telephone numbers either to itself or to competing carriers. See id. ¶ 252. NeuStar is now the North American Numbering Plan Administrator. See id. Through July 2000, more than 1,400 NXX codes have been assigned to CLECs in Massachusetts. See id. Verizon ensures accurate and complete programming of NXX codes in its switches in Massachusetts using the same implementation and testing procedures that it uses in New York, see id. ¶¶ 253-256, and which the Commission found satisfy the checklist, see New York Order ¶ 364.[38]

G. Databases and Associated Signaling (Checklist Item 10).

Verizon provides competing carriers in Massachusetts with access to its databases and signaling using substantially the same nondiscriminatory processes and procedures that it uses in New York. See Lacouture/Ruesterholz Decl. ¶ 257. No competitor even challenged Verizon's

[38] As in New York, Verizon offers a mechanized testing process — the Verification Evaluation and Testing System ("VETS") — to verify the accurate and complete programming of NXX codes in its switches. See Lacouture/Ruesterholz Decl. ¶¶ 255-256.

performance on this checklist item in New York, and the Commission found that Verizon satisfies the requirements of the Act. See New York Order ¶ 366.[39]

Through July 2000, Verizon was providing 35 CLECs with access to its SS7 signaling network, nine through direct interconnection to Verizon's Signaling Transfer Points, and the remainder through hub providers. See Lacouture/Ruesterholz Decl. ¶ 260. Verizon has also provided four CLECs with access to its Toll Free database, eight CLECs with access to its Calling Name database, and one CLEC with direct access to its Line Information database. See id. ¶¶ 265, 268, 273. Verizon has processed approximately 1.6 billion, 77 million, and 29 million CLEC queries for these databases, respectively. See id. In addition, six CLECs have made the necessary arrangements to access Verizon's Local Number Portability database. See id. ¶ 277.

As in New York, Verizon also provides competing carriers with access to its Service Management System database, which enables competitors to enter, modify, or delete entries in Verizon's call-related databases. See id. ¶ 279. CLECs may also obtain access to Verizon's Service Management System/Service Creation Environment, which enables them to create and test their own Advanced Intelligent Network ("AIN")-based telecommunications services. See id. ¶ 280.

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[39] Verizon provides access to signaling and databases under interconnection agreements and tariffs. See Lacouture/Ruesterholz Decl. ¶¶ 258, 264, 267, 272, 276. With respect to signaling, Verizon uses the same facilities, equipment, and personnel to provision signaling links for CLECs and itself. See id. ¶ 260. And all signaling traffic on Verizon's network is queued and routed on a nondiscriminatory basis. See id. ¶ 263. With respect to databases, Verizon adds information for CLEC customers to its databases in the same manner as for Verizon's own customers, see id. ¶ 271, and CLEC queries to the databases are commingled with Verizon's own queries and processed on a first-come, first-served basis, see id. ¶¶ 266, 269, 274, 278.

H. Number Portability (Checklist Item 11).

Verizon has implemented long-term number portability ("LNP") in all of its end offices in Massachusetts. See id. ¶ 283; see also New York Order ¶ 369.[40] Through July 2000, Verizon provided 22 CLECs with LNP on more than 200,000 telephone numbers. See Lacouture/Ruesterholz Decl. ¶ 284. From May through July, Verizon met the due date on more than 98 percent of the orders for pure LNP. See id.

I. Local Dialing Parity (Checklist Item 12).

Verizon provides local dialing parity throughout its service area in Massachusetts under tariffs and interconnection agreements using the same nondiscriminatory processes and procedures that it uses in New York, see id. ¶ 287, and which the Commission found satisfy the checklist, see New York Order ¶ 374.[41] From January through July 2000, Verizon exchanged an average of nearly two billion minutes of traffic per month over local interconnection trunks on calls that were completed with dialing parity. See Lacouture/Ruesterholz Decl. ¶ 290. In addition, while intraLATA toll dialing parity is not a checklist requirement, Verizon has implemented intraLATA toll dialing parity in Massachusetts pursuant to the Massachusetts DTE's requirements. See id. ¶ 291.

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[40] Verizon provides LNP under interconnection agreements and tariffs. See Lacouture/Ruesterholz Decl. ¶ 283. Verizon also continues to maintain interim number portability ("INP") capabilities for CLECs, though it is no longer taking orders for INP. See id. ¶ 285; see also New York Order ¶ 368. Where CLECs have existing INP arrangements, Verizon is converting those arrangements to LNP on a mutually agreed-upon schedule. See Lacouture/Ruesterholz Decl. ¶ 285. Through July 2000, Verizon continues to provide INP on approximately 7,600 telephone numbers. See id. ¶ 286.

[41] CLEC customers can dial local calls without dialing extra digits or access codes. Once these calls reach Verizon's network, they are treated the same as any call that originates on Verizon's network. See Lacouture/Ruesterholz Decl. ¶¶ 287, 289. Accordingly, no differences exist in dialing delays, call completion, or transmission quality between calls made by CLECs' customers and calls made by Verizon's customers.

J. Reciprocal Compensation (Checklist Item 13).

Verizon is providing reciprocal compensation for transportation and termination of local calls to competing carriers in Massachusetts. See id. ¶ 292. As of July 2000, Verizon is paying reciprocal compensation to some 24 CLECs, nine broadband CMRS providers, and seven paging companies. See id. ¶ 293.

Verizon is making reciprocal compensation payments for this traffic in accordance with the Massachusetts DTE's requirements, which specifically has held that Internet-bound traffic is not subject to reciprocal compensation. See id. ¶ 294.[42] In addition, the Massachusetts DTE has created a rebuttable presumption that the minutes of traffic *to* a CLEC will be presumed local (i.e., non-Internet) and subject to reciprocal compensation up to an amount that is twice the amount of traffic *from* the CLEC to Verizon. See id. Under the Massachusetts DTE's rules, the CLEC may rebut this presumption by demonstrating that the local component of the traffic it exchanges with Verizon exceeds this 2:1 ratio. See id.

K. Resale (Checklist Item 14).

Verizon makes available for resale at wholesale rates established by the Massachusetts DTE all of the telecommunications services it offers at retail to subscribers that are not telecommunications carriers. See id. ¶ 295.[43] Verizon makes resale services available in the same manner as in New York, see id., and which the Commission found satisfies the checklist, see New York Order ¶ 381. Through July 2000, Verizon has provided more than 44 CLECs with

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[42] See also New York Order ¶ 377 (Commission requires BOCs to comply with state requirements for paying reciprocal compensation on Internet-bound traffic); Texas Order ¶ 386 (finding Southwestern Bell Telephone Company in compliance with Texas requirements regarding reciprocal compensation on Internet-bound traffic).

[43] Verizon is making available services for resale under interconnection agreements and tariffs. See Lacouture/Ruesterholz Decl. ¶ 296. The Massachusetts DTE established

about 246,000 resold lines, including 214,000 business lines and 32,000 residential lines. See Lacouture/Ruesterholz Decl. ¶ 297.

Verizon provides resale services on time, when CLECs request them.[44] For example, from May through July 2000, Verizon met 99 percent of its installation appointments for CLECs that did not require the dispatch of a Verizon technician and 95 percent of the installation appointments that did require a dispatch. See id. ¶ 306. This is consistently better than Verizon's performance in meeting installation appointments for its retail customers during this period. See id.

As with unbundled elements, this does not mean that the reported intervals for filling wholesale and retail orders are the same. On the contrary, because CLECs frequently request longer intervals than are available to them and order proportionately more products with longer intervals, the reported intervals necessarily will differ. See id. ¶ 307; Guerard/Canny Decl. ¶¶ 66-67; New York Order ¶¶ 204, 205, 209, 400. As in New York, however, Verizon provides competing carriers with confirmed installation dates and meets those dates in a nondiscriminatory manner. See Guerard/Canny Decl. ¶¶ 71-72; New York Order ¶¶ 199, 200. This "demonstrates that [Verizon] is provisioning resale services . . . to competing carriers in substantially the same time and manner as for its retail operations." New York Order ¶ 209.

Finally, resellers may resell any of Verizon's customer-specific arrangements ("CSAs") to any customer (or customers) that meet the terms and conditions of that particular arrangement. See Lacouture/Ruesterholz Decl. ¶ 299. While a customer that elects to terminate its service

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wholesale discounts of 24.99 percent (for lines with Verizon's Operator Services and Directory Assistance) and 29.47 percent (for lines without these features). See id. ¶ 295.

[44] Verizon also provides CLECs with billing details for calls and service usage made by their resale customers in a timely and accurate manner. See Lacouture/Ruesterholz Decl. ¶ 303; KPMG Report at 458 (BLG-5-4-3).